IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No. 147 of 2007 (O&M)

DATE OF DECISION : 17.04.2007

Subhadhara and others

.... APPELLANTS

Versus

Zora Singh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sukhpal Singh, Advocate,
for the appellants.

The claimants have filed this appeal against the award dated 11.11.2003, passed by Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as `the Tribunal'), on a petition filed by them under Section 166 of the Motor Vehicles Act, 1988, for seeking compensation on account of death of Ram Bachan, the husband of appellant No.1 and father of appellants No.2 and 3, in a motor accident, due to the rash and negligent driving of truck No. PUT-2160 by respondent No.1.

The deceased was working as Beldar (tubewell operator) in Municipal Corporation, Ludhiana. His monthly salary was Rs. 4,669/-. After his death, his wife-appellant No.1 was given ex gratia employment in Municipal Corporation, Ludhiana. The Tribunal, after deducting 1/3rd of the income of the deceased on account of his personal expenses, assessed the annual dependency of the claimants-appellants at Rs. 37,356/-. After applying the multiplier of 16, an amount of Rs. 3,98,464/- was assessed as compensation payable to the appellants. In addition to that, Rs. 75,000/- have been awarded to the wife on account of loss of company of her husband, Rs. 2,000/- as funeral expenses and Rs. 2,500/- on account of loss of estate. Thus, a total compensation of Rs. 4,77,964/- was awarded to the

claimants with interest at the rate of 9% per annum from the date of award till final realisation.

Against the aforesaid award, the instant appeal has been filed by the claimants, after a delay of 918 days. The appellants seek condonation of delay in their application on the ground that appellant No.1 is a poor widow and she could not arrange money for engaging counsel to file the appeal. It is further stated that the appellants had gone to their village in Uttar Pradesh and there was no one to look after them, therefore, they could not file the appeal within time. In the award passed by the Tribunal, it has been observed that appellant No.1 was given ex gratia employment in Municipal Corporation, Ludhiana, therefore, it cannot be said that she was having no income and she along with her children had gone to Uttar Pradesh. Thus, in my opinion, the delay in filing the appeal has not been explained, satisfactorily, by the appellants. Even otherwise, I do not find any illegality or perversity in the award passed by the Tribunal. In my view, fair and just compensation has been awarded to the appellants.

Dismissed.

April 17, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**